

House Bill 79

By: Representatives Gilliard of the 162nd and Bruce of the 61st

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 4 of Title 30 of the Official Code of Georgia Annotated, relating to rights
2 of persons with disabilities, so as to provide that blind persons shall not be discriminated
3 against by the courts, Department of Human Services, or a child-placing agency in matters
4 relating to child custody, guardianship, foster care, visitation, placement, or adoption; to
5 provide for definitions; to provide for rules and regulations; to provide for legislative
6 findings and a purpose; to provide an effective date; to repeal conflicting laws; and for other
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 (a) The Georgia General Assembly finds that:
11 (1) Blind individuals continue to face unfair societal biases regarding their ability to
12 successfully provide parental care;
13 (2) Blind individuals face unfair societal biases in family and dependency law
14 proceedings, public and private adoption, guardianship, and foster care proceedings;
15 (3) Children of blind individuals are being unnecessarily removed or restricted from
16 parental care; and
17 (4) Children are being denied the opportunity to enjoy loving homes with blind parents
18 or other blind caretakers.
19 (b) The purpose of this Act is to protect the best interests of children parented by blind
20 individuals or children who could be parented by blind individuals through the
21 establishment of procedural safeguards that require adherence to due process and equal
22 protection rights of blind parents in the context of child welfare, foster care, adoption, and
23 family law.

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SECTION 2.

25 Chapter 4 of Title 30 of the Official Code of Georgia Annotated, relating to rights of persons
26 with disabilities, is amended by adding a new Code section to read as follows:

27 "30-4-5.

28 (a) As used in this Code section, the term:

29 (1) 'Blind' means:

30 (A) Having vision that is 20/200 or less in the best corrected eye; or

31 (B) Having vision that subtends an angle of not greater than 20 degrees in the best
32 corrected eye.

33 (2) 'Department' means the Department of Human Services.

34 (3) 'Supportive parenting services' means services that may assist a blind parent or
35 prospective blind parent in the effective use of nonvisual techniques and other alternative
36 methods to enable the parent or prospective blind parent to successfully discharge
37 parental responsibilities.

38 (b)(1) Neither a court, the department, nor a child-placing agency shall deny to a party
39 child placement, child custody, visitation, guardianship, foster care, or adoption solely
40 or primarily because the party is blind.

41 (2) Where a parent or prospective parent's blindness is alleged to have a detrimental
42 impact on a child, the party raising the allegation shall bear the burden of proving by
43 clear and convincing evidence that the parent's or prospective parent's blindness is
44 endangering or will likely endanger the health, safety, or welfare of the child. If this
45 burden is met, such parent or prospective parent shall have the opportunity to demonstrate
46 how the implementation of supportive parenting services can alleviate parental care
47 concerns, and the court may require such services with an opportunity to review the
48 continuation of such services within a reasonable period of time.

49 (3) Where a court determines that a blind parent's right to custody, visitation, foster care,
50 guardianship, or adoption should be denied or limited in any manner, the court shall make
51 specific findings stating the basis for such a determination and why the provision of
52 supportive parenting services is not a reasonable accommodation to prevent such denial
53 or limitation.

54 (c) The department shall promulgate rules or regulations not later than December 31, 2019,
55 implementing the provisions of this Code section."

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SECTION 3.

57 This Act shall become effective upon its approval by the Governor or upon its becoming law
58 without such approval.

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SECTION 4.

60 All laws and parts of laws in conflict with this Act are repealed.